

JOSEPH P. RUSSONIELLO, CSBN 44332
 United States Attorney
 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 Chief, Civil Division
 EDWARD A. OLSEN, CSBN 214150
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-6915
 FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

GURMEET SINGH,) No. C 07-2202 JCS

Plaintiff,)

v.)

U.S. Department of Homeland Security;) **STIPULATION TO EXTEND DATE OF**
 MICHAEL CHERTOFF, Secretary, U.S.) **CASE MANAGEMENT CONFERENCE;**
 Department of Homeland Security; U.S.) **AND [~~PROPOSED~~] ORDER**
 Citizenship and Immigration Services;)

EMILIO T. GONZALEZ, Director, U.S.)
 Citizenship and Immigration Services;)

DAVID N. STILL, District Director, USCIS)
 San Francisco District Office; F. GERARD)

HEINAUER, Director, USCIS Nebraska Service)
 Center,)

Defendants.)

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby jointly ask this Court to once again extend the date of the case management conference, currently scheduled for July 25, 2008, by approximately 30 days in light of the following:

1. The plaintiff is a native and citizen of India who entered the United States on September 11, 1998, as a visitor for business.

2. On March 22, 1999, the plaintiff filed a Form I-589 application for asylum with USCIS, and

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1 an Immigration Judge in San Francisco granted that application.

2 3. After receiving his grant of asylum by the Immigration Judge, the plaintiff filed an I-485
3 application with USCIS, pursuant to 8 U.S.C. § 1159, to adjust his status to lawful permanent
4 resident (commonly referred to as a “green card” holder) on February 13, 2004.

5 4. In addition, on April 4, 2003, the plaintiff filed Form I-730 petitions at the Nebraska
6 Service Center on behalf of his spouse, step-son, and so, pursuant to 8 U.S.C. § 1158(b)(3) (stating
7 that an alien granted asylum may file a petition seeking to confer derivative asylum status upon a
8 spouse or child under 8 U.S.C. § 1158(b)(3)).

9 5. The USCIS denied the plaintiff’s I-485 application on March 9, 2007, for two reasons.
10 First, the USCIS found that the plaintiff had not fulfilled the statutory requirements for eligibility
11 under 8 U.S.C. § 1159(b), because he had provided material support to members of the Khalistan
12 Liberation Force. Second, the USCIS denied the plaintiff’s I-485 application in the exercise of its
13 discretion.

14 6. The USCIS denied the plaintiff’s I-730 petitions in the exercise of discretion on March 9,
15 2007, and April 11, 2007, based on the agency’s finding that because plaintiff had been denied
16 adjustment of status, and he is wanted on an arrest warrant involving unresolved allegations of
17 violent crimes, it would not be in the best interests of the United States to permit plaintiff to create
18 additional ties to the United States by bringing his derivative spouse and children here.

19 7. The plaintiff filed an action in this Court on April 23, 2007, seeking review of the decisions
20 by USCIS to deny his Form I-485 application for adjustment of status and the Form I-730 petitions
21 that the plaintiff filed on behalf of his wife, step-son, and son.

22 8. Pursuant to a stipulation signed by this Court on October 3, 2007, the parties agreed to file
23 cross-motions for summary judgment by November 12, 2007; to file cross-oppositions by
24 November 26, 2007; to file cross-replies by December 3, 2007; and to participate in a hearing on
25 February 15, 2008.

26 9. On November 13, 2007, the parties filed a stipulation, pursuant to which USCIS agreed to
27 *sua sponte* reopen the I-485 and I-730 proceedings to address whether, pursuant to 72 Fed. Reg.
28 9958-01 (March 6, 2007), 8 U.S.C. § 1182(a)(3)(B)(iv)(VI) applies to the support the plaintiff

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1 provided, allegedly under duress, to a terrorist organization as described in 8 U.S.C. §
2 1182(a)(3)(B)(vi)(III). This court signed the parties stipulation and the case was held in abeyance.

3 10. The USCIS has re-opened the I-485 and I-730 proceedings and the plaintiff has submitted
4 materials and legal argument in support of his application for adjustment of status (Form I-485
5 application) and asylee petitions (I-730 petitions).

6 11. Although USCIS expected to issue a decision within 60 days of receipt of the plaintiff's
7 materials and legal argument, USCIS has not been able to do so.

8 12. On June 2, 2008, this Court granted the parties' stipulation to extend the date of the case
9 management conference, then scheduled for June 6, 2008, to July 25, 2008, on the ground that
10 USCIS was committed to issuing a decision within 30 days.

11 13. Because USCIS is still considering whether to approve or deny the I-485 and/or I-730
12 petitions, the parties ask this Court to once again extend the case management conference, this
13 time until August 22, 2008, at 1:30 p.m.

14 14. The parties recognize that they have filed multiple stipulations to extend in this case and
15 appreciate the Court's patience in this matter.

16 Accordingly, the parties jointly ask this Court to vacate the case management conference,
17 currently scheduled for July 25, 2008, and to re-schedule a case management conference for
18 **August 22, 2008.**

19
20 Dated: July 18, 2008

Respectfully submitted,

21 JOSEPH P. RUSSONIELLO
22 United States Attorney

23 /s/
24 EDWARD A. OLSEN
25 Assistant United States Attorney
Attorneys for Defendants

26 Dated: July 18, 2008

27 /s/
28 ROBERT B. JOBE
Law Offices of Robert B. Jobe
Attorney for Plaintiff

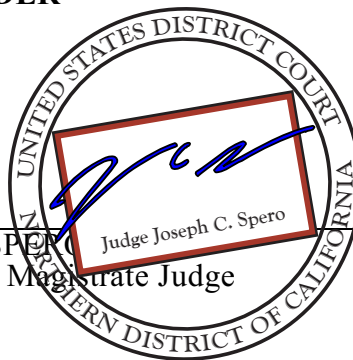
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ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 7/21/08

JOSEPH C. SPERO
United States Magistrate Judge



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